



# STATE OF WISCONSIN

# Senate Journal

## Ninety–Eighth Regular Session

1:30 P.M.

TUESDAY, August 14, 2007

The Senate met.

The Senate was called to order by Chief Clerk Marchant, pursuant to Senate Rule 5 (4)(b).

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

### PETITIONS AND COMMUNICATIONS

**The State of Wisconsin  
Office of the Governor**

#### **EXECUTIVE ORDER #208**

#### ***Relating to a Proclamation Declaring a State of Emergency Relating to Drought Conditions***

**WHEREAS**, areas throughout the State of Wisconsin have experienced extreme drought conditions due to the lack of precipitation during the last several weeks; and

**WHEREAS**, the drought conditions are causing extreme damage to agricultural crops; and

**WHEREAS**, continual lack of water for the crops will result in greater damage to the crops; and

**WHEREAS**, continued and projected crop damage will result in severe economic losses to agriculture; and

**WHEREAS**, water can generally be diverted from certain streams and lakes in the State of Wisconsin without causing serious environmental damage; and

**WHEREAS**, Wis. Stat. § 30.18, presently requires that certain lake and stream diversions for agricultural purposes must be accomplished pursuant to a permit issued by the Department of Natural Resources; and

**WHEREAS**, Wis. Stat. § 30.18, requires notice and hearing provisions that are too lengthy to be responsive to the existing drought conditions; and

**WHEREAS**, the waiver of the notice and hearing provisions of Wis. Stat. § 30.18, in the manner set forth in this Executive Order, will enable the State of Wisconsin to be more responsive to the current agricultural crisis and still protect the valuable water resources of the State;

**NOW, THEREFORE, I, JIM DOYLE**, Governor of the State of Wisconsin, by the authority vested in me by the Constitution and the laws of this State, and specifically by Wis. Stat. § 166.03(1)(b)1, do hereby declare the present drought condition to be a natural disaster and proclaim the State of Wisconsin to be in a state of emergency for 30 days, unless extended by joint resolution of the Legislature;

**PURSUANT TO** said state of emergency, by virtue of the authority vested in me by the Constitution and Laws of Wisconsin, and Wis. Stat. § 166.03(1)(b)1, I hereby order:

1. That the statutory notice and hearing provisions of Wis. Stat. § 30.18, relating to the diversion of water from certain lakes and streams for purposes of crop irrigation be suspended for diversions in the State of Wisconsin; and

2. That water may be diverted from certain lakes and streams for purposes of crop irrigation on a case–by–case basis only where all of the following procedures have been followed:

a) The person proposing to divert water has requested permission from the appropriate Department of Natural Resources service center office; and

b) The proposed site of diversion has been field inspected where determined to be necessary by Department of Natural Resources personnel. The Department is directed to conduct the field inspection within 72 hours of the request for permission to divert; and

c) The on–site inspector will grant immediate written authority if the proposed diversion will not cause unduly adverse environmental effects. The on–site inspector may authorize the proposed diversion subject to whatever conditions he or she deems necessary to ensure that there will not be unduly adverse environmental effects as a result of that diversion and other diversions on the stream. Such conditions may include but are not limited to: exact location of the diversion, rate of diversion, hours of diversion and the frequency of diversion within the specified time period; and

3. That the Department of Natural Resources will maintain active enforcement surveillance on all diversions authorized under the procedures established pursuant to this Order to ensure that only duly authorized stream or lake diversions occur; and

4. That the emergency authorities granted herein shall be applicable only to agricultural irrigation that requires emergency assistance; and

5. That any permits authorized pursuant to this Order shall not be valid for longer than 30 days after the date of this Order, unless the state of emergency is extended by joint resolution of the Legislature; and

6. That this Order is not to be construed in any manner as limiting the statutory enforcement power of the Department of Natural Resources with respect to any violations of existing § 30.18 permits, any permits issued pursuant to this Order, any conditions of any such permits, or any diversions which occur without authorization pursuant to Wis. Stat. § 30.18, or this Order; and

7. That the Department of Natural Resources is authorized to rescind any emergency diversion permits granted herein if it becomes apparent that unduly adverse environmental effects are being caused or aggravated by said permits, any permit rescission shall be in writing to the permittee.

**IN TESTIMONY WHEREOF**, I have hereunto set my hand and caused the Great Seal of the State of Wisconsin to be

affixed. Done at the Capitol in the City of Madison this thirteenth day of August, 2007.

*JIM DOYLE*  
Governor

*BY THE GOVERNOR:*  
DOUGLAS LA FOLLETTE  
Secretary of State

**State of Wisconsin  
Office of the Secretary of State**

The Honorable, the Legislature:

<b><u>Bill Number</u></b>	<b><u>Act Number</u></b>	<b><u>Publication Date</u></b>
<b>Senate Bill 122</b>	<b>Act 19</b>	August 22, 2007

Sincerely,  
*DOUGLAS LA FOLLETTE*  
Secretary of State

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**REFERRALS AND RECEIPT OF COMMITTEE  
REPORTS CONCERNING PROPOSED  
ADMINISTRATIVE RULES**

**Senate Clearinghouse Rule 07-060**

Relating to home health care agencies and affecting small businesses.

Submitted by Department of Health and Family Services.  
Report received from Agency, August 10, 2007.  
Referred to committee on **Health and Human Services**,  
August 14, 2007.

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The committee on **Ethics Reform and Government Operations** reports and recommends:

**Senate Clearinghouse Rule 07-027**

Relating to electronic funds transfer.

No action taken.

*FRED RISSER*  
Chairperson

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**ADJOURNMENT**

Chief Clerk Marchant, with unanimous consent, asked that the Senate adjourn until Thursday, August 16, 2007.

Adjourned.

1:31 P.M.